MC(N) 3582/2006
BEFORE
THE HON’BLE MR JUSTICE N. CHAUDHURY
By filing an application on 19.09.2005 the legal heirs of the sole respondent br ought it to the notice of the Court that sole respondent had died and the right to sue survives on them. Copy of this application was served on the learned Stat e Counsel on 19.09.2006 itself. Thereafter, when the matter came up for orders o n 15.11.2006, two weeks time was granted for filing an application for setting a side of abatement of the appeal. Thereafter, more than 8 (eight) years have pass ed but no application for setting aside of abatement has been filed. The appella nt cannot take a stand that he was not aware about the fact that sole respondent had died on 26.06.2006. A copy of the death certificate was also annexed to the application filed by the legal heirs of the sole respondent. The irresistible c onsequence is that the appeal has abated automatically 3 (three) months after th e death of the sole respondent.

Accordingly, appeal stands dismissed on abatement.

Misc. Case stands closed.